

Serial No. 10/669,343  
Response dated December 22, 2005 in  
Reply to Final Action of November 3, 2005

## **REMARKS / ARGUMENTS**

### **Information Disclosure Statement**

Please find enclosed a new Information Disclosure Statement containing a statement of relevance for each of German patents DE 29810333 and DE 10027063 which, though not previously considered, have been previously placed in the application file. From the enclosed Information Disclosure Statement, it may be appreciated that the Applicant considers only the figures of the aforementioned German patents to be relevant, and only peripherally relevant at that.

### **Claim Amendments**

Claims 2, 4 and 5 are canceled by this amendment, following the substantial inclusion of their limitations in currently amended Claim 1. With this response, therefore, Claims 1, 3 and 6-21 remain currently pending.

### **Claim Rejections – 35 USC § 112**

In the aforementioned Final Action, and although each of Claims 1, 6 and 7 were rejected pursuant to 35 USC § 112, second paragraph, the Examiner suggested that these claim rejections might be overcome by amending these to include appropriate "adapted to" or "adapted for" recitations so as to more clearly recite the subcombination of a vehicle seat assembly for use with a floor tub within a vehicle floor. Accordingly, the Applicant respectfully submits that, with this response, each of Claims 1, 6 and 7 have been amended, in full compliance with the Examiner's suggestion, to include appropriate "adapted to" and "adapted for" recitations so as to more clearly recite the subcombination of a vehicle seat assembly for use with a floor tub within a vehicle floor.

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### **Allowable Subject Matter**

In the aforementioned Final Action, the Examiner indicated, *inter alia*, that Claim 5 would be allowable if amended to include the limitations of the base claim and any intervening claims.

Further thereto, by facsimile correspondence to the Examiner on December 12, 2005, the Applicant proposed an amendment, *inter alia*, to Claim 1 in the identical form to that provided hereinabove.

This will further confirm that, on the afternoon of December 21, 2005, by way of a voicemail message left for the Agents for the Applicant, and in a subsequent telephone conference with same, the Examiner conveyed his preliminary finding that Claim 1, in the identical form to that of currently amended Claim 1 hereinabove, appears to read over the cited prior art.

For all of the aforesaid reasons, and in further view of the Examiner's previous searches and findings, the Applicant respectfully submits that currently amended Claim 1 is now directed to allowable subject matter.

Similarly, and because each of remaining Claims 3 and 6-21 depends, directly or indirectly, from currently amended Claim 1, it is the Applicant's respectful submission that these claims are likewise now also allowable.

### **Summary**

Reconsideration of the above-identified application in view of the preceding amendments and remarks with a view toward timely issuance of a Notice of Allowance is respectfully requested. If after reviewing this response, the Examiner believes that a telephone or

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personal interview would facilitate the resolution of any remaining matters, the undersigned attorney may be contacted at the number set forth hereinbelow.

Respectfully submitted,

December 21, 2005  
Date

KEH/ms

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Encl.  
Information Disclosure Statement